IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 2096 OF 2007

Ku.Shantidevi Kunjibihari Dubey through L.Rs.
v.
Addl. Collector & ors..

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Abhay Sambre Advocate for the Petitioners.

....

CORAM: A.B. CHAUDHARI, J.
DATED : 13th SEPTEMBER, 2007.

By the present petition, the petitioner has challenged the remand order made by the Additional Commissioner, Amravati Division, Amravati, on 6.1.2007. The learned Additional Commissioner in the appellate order has castigated the subordinate officers for not implementing the precept that was received by the Tahsildar for effecting partition in accordance with the Decree passed by the Civil Court way back in the year 1983. The suit is of the year 1969

and the precept after its decision was sent in the year 1983. In my opinion, the Additional Commissioner has rightly taken cognizance of inaction on the part of the revenue authorities who have been given charge of implementing the decrees of civil rights in respect of the property assessed under Section 54 of the Code of Civil Procedure. The Tahsildar is supposed to effect partition after receipt of precept at the earliest in accordance with the provisions of Section 85 of Mh.L.R.Code and partition rules of 1967. It is really surprising that the precept was received in the year 1983, there is hardly any action on the part of the Tahsildar in effecting partition in accordance with the Decree. Considering the objections raised by the parties and the abnormal delay on the part of the S.D.O. and the subordinate officers in implementing the decree, the impugned order made by the Additional Commissioner needs no

interference. Consequently, writ petition is dismissed. The concerned authorities, as mentioned in the appellate order, are directed to complete the proceedings of partition in accordance with law and also considering the objections raised by the parties within a period of six months from today.

JUDGE

/TA/